

"An Act providing for the suspension of the sentence in convictions for misdemeanors and providing for the procedure therein."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,

Austin, Texas, January 21, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 29, A bill to be entitled "An Act to permit applicants for writ of habeas corpus in criminal cases, when the relief prayed for is denied by the judge of the court to whom the application is made and who prosecutes an appeal from the order of said judge or court to the Court of Criminal Appeals to be released on bail pending the appeal in all save capital cases, the amount of bail to be fixed by the judge trying the case and the order entered upon the minutes of the court, the bail bond to be executed and approved, under the same provisions of law which govern the bail on appeal in criminal cases after verdict of conviction as provided for by the existing law, and declaring an emergency."

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass with the following committee amendments:

Amend the caption of the bill by striking out the words "and declaring an emergency," and changing the semicolon after law to a "period."

Amend the bill by striking out all of Section 2 thereof.

WARD, Chairman.

Committee Room,

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Internal Improvements, to whom was referred

S. B. No. 56,

Have had the same under consideration at a session of the Commit-

tee, and I am instructed to report it back to the Senate with the recommendation that it do not pass; but recommend in lieu thereof the Committee Substitute Bill, hereto attached, with the recommendation that said Committee Substitute Bill do pass.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, January 22, 1925.

Hon. T. W. Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have carefully examined and compared

S. B. No. 7, and find the same correctly engrossed

STRONG,
Chairman Engrossing Committee.

TENTH DAY.

Senate Chamber,

Austin, Texas.

Friday, January 23, 1925.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Pollard.
Bowers.	Price.
Davis.	Real.
Floyd.	Reid.
Hardin of Erath.	Russek.
Hardin of Kaufman	Smith.
Holbrook.	Strong.
Miller.	Stuart.
Moore of Hunt.	Triplett.
Moore of Cooke.	Ward.
Murphy.	Wirtz.
Parnell.	Wood.
Parr.	Woodward.

Absent.

Fairchild. Witt.

Absent—Excused.

Bailey. Lewis.
Bledsoe.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

See appendix for standing committee reports.

The Chair here announced the addition of Senator Pollard to Committee on Agricultural Affairs.

Excused.

Senator Bledsoe for an indefinite time on account of important business, on motion of Senator Wood.

Bills and Resolutions.

By Senator Parr:

S. B. No. 107, A bill to be entitled "An Act to renew and extend for an additional period of two years certain oil and gas permits issued on other than Public School and University Land, under date of February 3, 1920, under which a well has already been drilled to a depth of 3000 feet or more, and providing for payment of rentals and making report of operations to the Commissioner of the General Land Office, and declaring an emergency."

Read first time and referred to Committee on Public Lands and Land Office.

By Senator Parr:

S. B. No. 108, A bill to be entitled "An Act creating the Jarrell Common School District No. 12 in Nueces County, Texas, by redefining the boundaries of and adding to said Jarrell Common School District certain territory lying north of and adjacent to Jarrell Common School District, and now embraced in the Petronila Common School District No. 7 in Nueces County, Texas, and providing that the entire Jarrell Common School District No. 12 as herein created, may, by an election held for that purpose, assume and become liable for all legal indebtedness properly chargeable to that portion of said district formerly belonging to Petronila Common School District No. 7 and provided for by the provisions of this Act; and providing for the issuance of bonds and the levy of a tax therefor, and providing for levy of maintenance tax for support of the public schools within said district as authorized under the General Laws of this State; continuing in office the present trustees until the next regular trustee election, providing for election of trustees and conferring upon said trustees all the rights, powers, duties and authority conferred upon common school district trustees by the General Laws of Texas; validating all bonds heretofore issued and all tax heretofore voted; repealing all laws in conflict herewith in so far as they conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Electional Affairs.

By Senator Parr:

S. B. No. 109, A bill to be entitled "An Act creating the Ben Bolt Independent School District in Jim Wells County, Texas; defining its boundaries, providing a board of seven trustees, and for the election of their successors, investing said district and its trustees with full powers, privileges, and duties as provided by General Laws for school districts, incorporated for free school purposes only; investing the trustees with the control of the public schools in said district, authorizing the levy and collection of taxes for certain purposes, authorizing the commissioners' court of said county to levy, and the assessor to assess, and the collector to collect, under certain conditions, such taxes as the trustees of said school district shall request, and giving the electors of said district the right to vote in the election for county board members, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senators Parr and Bowers:

S. B. No. 110, A bill to be entitled "An Act to amend Section 8, Chapter 119, of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-second Legislature of the State of Texas, 1911, and as amended by Chapter 189 of the Regular Session of the Thirty-fifth Legislature, 1917, and as amended by Chapter 27 of the First Called Session of the Thirty-fifth Legislature, 1917, and as amended by Chapter 79 of the Fourth Called Session of the Thirty-fifth Legislature, 1918, and as amended by Chapter 111 of the Regular Session of the Thirty-sixth Legislature, 1919, and as amended by Chapter 47 of the Third Called Session of the Thirty-sixth Legislature, 1920, relating to official shorthand reporters' compensation in certain counties and districts in this State; to provide for deputy shorthand reporters, to provide methods of preparing transcripts of evidence, and repealing all laws and parts of laws in conflict with said section of said chapter herein amended, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Parr:

S. B. No. 111, A bill to be entitled "An Act creating the Palito Blanco Independent School District in Jim Wells County, Texas, defining its

boundaries, providing a board of five trustees, and for the election of their successors, investing said district and its trustees with full powers, privileges, and duties as provided by General Laws for school districts, incorporated for free school purposes only; investing the trustees with the control of the public schools in said district, authorizing the levy and collecting of taxes for certain purposes, authorizing the commissioners' court of said county to levy, and the assessor to assess, and the collector to collect, under certain conditions, such taxes as the trustees of said school district shall request, and giving the electors of said district the right to vote in the election for county board members, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Holbrook:

S. B. No. 112, A bill to be entitled "An Act to amend Sections 14 and 15 of Senate Bill No. 4, passed at the Second Called Session of the Thirty-first Legislature, the same being entitled, "An Act to provide for the regulation and supervision of banking corporations; providing for the securing of depositors of such corporations; providing for a depositors' guaranty fund and fixing the terms by which banks and trust companies may avail their depositors of the benefits of said fund; providing for a bond for securing depositors, and providing that all banking corporations created under Chapter 10, Acts of First Called Session of the Twenty-ninth Legislature shall avail their depositors of protection provided for by this Act, either by the depositors' guaranty fund or by bond, at their option; providing that all national banks transacting business in this State may, at their option, voluntarily avail their depositors of the protection afforded by this Act; providing that banks incorporated by special act of the Legislature of the State of Texas may voluntarily, on certain conditions, protect their depositors under this Act; providing that private banks may voluntarily avail their depositors of the protection by bond provided by this Act; amending Sections 39, 50, 56 and 44, Chapter 10 of the Acts of the First Called Session of the Twenty-ninth Legislature of the State of Texas; prescribing additional regulation and safe-

guards for the protection of depositors and for savings departments; prescribing the powers and duties of the Commissioner of Insurance and Banking; creating a State Banking Board and prescribing its powers and duties; providing for penalties for the violation of this Act, and declaring an emergency"; the said Sections 14 and 15 of said Senate Bill No. 4 being Articles 490 and 491 of Chapter 5, Title 14, Revised Statutes of 1911, providing that State banks or State bank and trust companies that have elected to do business under the Guaranty Fund Law, as provided by said Senate Bill No. 4, shall have the right by giving and filing the bond provided for under said Sections 14 and 15 of said Senate Bill No. 4, the same being Articles 490 and 491 of Chapter 5, Title 14, Revised Statutes of 1911, to cease doing business as guaranty fund banks and thereafter to do business and come under the provisions of the Bond Security System of said Senate Bill No. 4, and providing for the return to such bank or bank and trust company its unused pro rata part of the guaranty fund as is now provided in the event of voluntary liquidation under Section 14 of said Senate Bill No. 4, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Read first time and referred to Committee on Banking.

By Senator Holbrook:

S. B. No. 113, A bill to be entitled "An Act amending Section 124a of Chapter 124 of the General Laws of the Regular Session of the Twenty-ninth Legislature, page 296, so as to make it a felony to violate said section, said section being upon the subject of preventing fraud in teachers' examinations; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Holbrook:

S. B. No. 114, A bill to be entitled "An Act to repeal Section 506 of Chapter 5, Title 14, Revised Statutes of 1911, and declaring an emergency."

Read first time and referred to Committee on Banking.

By Senator Murphy:

S. B. No. 115, A bill to be entitled "An Act to amend Title 8, Chapter 7 of the Code of Criminal Procedure of the State of Texas of 1911, by adding thereto Article 787a, providing that no evidence obtained by any officer or person by the violation of any provision of the Constitution of the State of Texas, shall be admitted in evidence against the accused on the trial of any criminal case; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Pollard:

S. B. No. 116, A bill to be entitled "An Act to amend Paragraph No. 4 of Article 1422, Chapter 18 of the Penal Code of Texas (1911), as amended by the Thirty-third Legislature, regular term (1913), page 184 of the Acts of the Thirty-third Legislature relating to swindling; making certain facts prima facie evidence of fraudulent intent; and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Stuart:

S. B. No. 117, A bill to be entitled "An Act to amend Article 1689 of the Revised Civil Statutes of the State of Texas providing that the bond of the district clerk shall be made in such a sum as the commissioners' court may direct, not to exceed twenty-five thousand (\$25,000.00) dollars, and providing for the paying for said bond by the commissioners' court out of the general funds of the county."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Stuart:

S. B. No. 118, A bill to be entitled "An Act to amend Sections 1 to 12, inclusive, Chapter 97, of the General Laws of the State of Texas passed by the Thirty-fifth Legislature at its Regular Session, being, 'An Act to establish at Arlington, Tarrant County, Texas, a junior agricultural and industrial college to be known as the Grubbs Vocational College, making an appropriation therefor and declaring an emergency'; by providing that the name of said college shall be changed from Grubbs Vocational College to the North Texas Agricultural College, providing for its location and designating it as a branch

of the Agricultural and Mechanical College of Texas; that the government and direction of policies shall be placed under the control of the Board of Directors of the Agricultural and Mechanical College of Texas; providing that said college shall rank as a junior agricultural college and defining the meaning of this phrase; and providing that the said college shall be co-educational and prescribing the scope of studies; vesting the governing board with the power of eminent domain; directing the said governing board to provide suitable recognition for Judge V. W. Grubbs, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Wirtz:

S. B. No. 119, A bill to be entitled "An Act to amend Article 3681, Chapter 3, Title 53 of the Revised Civil Statutes of Texas, 1911, relating to the taking of depositions, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wood:

S. B. No. 120, A bill to be entitled "An Act to repeal Article 4830 of the Revised Statutes of the State of Texas of 1911, and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Davis, by request:

S. B. No. 121, A bill to be entitled "An Act to amend Article 1521, Revised Civil Statutes of the State of Texas, regulating the jurisdiction of the Supreme Court, by striking out Subdivision No. Six (6) of said article as it now exists, and in other respects by specifically naming the cases in which the Supreme Court is given jurisdiction to grant writs of error, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Davis, by request:

S. B. No. 122, A bill to be entitled "An Act to amend Articles 1646 and 1637, Revised Civil Statutes of the State of Texas, requiring the Courts of Civil Appeals to make and file conclusions of fact and law in certain cases, specifically naming the cases in which said courts in the

future are required to file conclusions of fact and law, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Davis, by request:

S. B. No. 123, A bill to be entitled "An Act to create a lien in favor of any person, firm or corporation who may furnish any material, apparatus, fixtures, machinery or labor, to contractors who contract for public improvements, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Davis:

S. B. No. 124, A bill to be entitled "An Act to amend Section 3, Chapter 26 of the General Laws of the State of Texas passed by the Thirty-sixth Legislature, at the Regular Session thereof in 1919 entitled, 'An Act to fix the compensation of county and district courts' jurors in both civil and criminal cases, jury commissions of the district and county courts and bailiffs of the grand jury; the amendment being to the effect that each grand jury bailiff appointed as such bailiff by the court in counties of 150,000 population and more according to the 1920 census of the United States shall receive as compensation for his service the sum of \$5.00 for each day that he may serve as a grand jury bailiff."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Smith:

S. B. No. 125, A bill to be entitled "An Act amending Article 5122 of the Revised Civil Statutes of 1911, relating to the appointment of jury commissioners by district courts, and prescribing their qualifications, so as to provide for the appointment by said courts of not less than three nor more than five such commissioners, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Floyd:

S. B. No. 126, A bill to be entitled "An Act to amend Article 2971 of the Civil Statutes of the State of Texas, passed by the Sixteenth Legislature."

Read first time and referred to Committee on Insurance.

By Senator Parr:

S. B. No. 127, A bill to be entitled "An Act to extend the corporate limits of the City of Kingsville so as to include therein certain land adjacent thereto upon which is being constructed the South Texas State Teachers College, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Pollard:

S. B. No. 128, A bill to be entitled "An Act creating a Civil Service Commission of the State of Texas; including all State, municipal and county employes with certain exceptions; providing for a State Civil Service Commission, consisting of three persons appointed by the Governor; providing for Municipal Civil Service Boards in Cities of one hundred thousand (100,000) or more inhabitants; providing for duties of said Civil Service Commissioners and Boards; prescribing the qualifications and requirements of employes with certain standard of classifications; empowering the Commission to make certain rules and regulations for examination and appointment; providing for reports of said Commissioners and prescribing penalties, abuses and frauds concerning said appointments; prohibiting said employes from participating in political campaigns; providing for civil suits in enforcing said Act and repealing all laws or parts of laws which are in conflict herewith."

Read first time and referred to Committee on Civil Jurisprudence.

Simple Resolution No. 17.

By Senator Stuart:

Whereas, The Old Gray Mare Band under the leadership of Wright Armstrong of Fort Worth, has devoted their time, attention, ability and experience of the Old Gray Mare Band toward the entertainment of the people of the State of Texas during the Inaugural Ball given in behalf of Governor Miriam A. Ferguson, and

Whereas, Miss May Peterson came all the way from the City of New York especially for the occasion and devoted her time and talent towards the entertainment of the people of Texas, and

Whereas, Such time and talent was given by the Band, its leader,

and Miss May Peterson, without any expense to the State of Texas, and

Whereas, Hubb Diggs of Fort Worth, and other citizens of said City of Fort Worth made it possible for the people of Texas to enjoy the treat of listening to Miss May Peterson and to the music rendered by the greatest band in the State of Texas, by paying the expenses incidental and connected with the bringing of said band to Austin, therefore be it

Resolved, That this resolution be passed expressing to Wright Armstrong, the leader of said band, and to the individual members thereof, to Miss May Peterson, and to Hubb Diggs and other citizens of Fort Worth who contributed to the fund for the expense of said band, be given a vote of thanks expressing the hearty appreciation of the Senate of the State of Texas, for their efforts and services in making the Inauguration Ceremonies a very enjoyable occasion, and

Resolved further, That a copy of this resolution be printed in the Journal and that a copy of same be mailed to Wright Armstrong, Miss May Peterson and to Hubb Diggs.

The resolution was read and unanimously adopted.

Simple Resolution No. 18.

By Senator Floyd:

Resolved, That the name of the Committee of Roads, Bridges and Ferries be changed to hereafter read as follows:

Committee on Highways and Motor Traffic.

The resolution was read and adopted.

Simple Resolution No. 19.

Whereas, Our faithful and efficient mail porter, Tom Burton, is on duty from 6:30 a. m. to past 10 o'clock at night, and that said position carries with it the responsibilities of handling registered mail, etc., for which service he is being paid only two dollars per day; therefore be it

Resolved, That in the sense of fairness commensurate with the services performed, his salary be raised from two dollars per day to three dollars per day.

BERKELEY,
HOLBROOK,
FAIRCHILD.

The resolution was read and adopted.

Simple Resolution No. 20.

By John Davis:

Resolved, That the Chairman of the Contingent Expense Fund be and he is hereby authorized to negotiate with Mr. C. E. Attoway and Mr. J. J. Singleton in reference to dry cleaning and dyeing the carpet in the Senate Chamber and committee rooms at a cost not to exceed three cents per square foot, said work to be done without removing the carpet from the floors and without damage to furniture, or interference with the Senate proceedings.

The resolution was read and referred to Committee on Contingent Expenses.

S. B. No. 36—Re-referred.

On motion of Senator Parr S. B. No. 36 was recalled from Committee on Civil Jurisprudence and referred to Committee on Stock and Stock Raising.

Morning call concluded.

S. B. No. 7 On Third Reading.

The Chair laid before the Senate, on third reading and final passage,

S. B. No. 7. A bill to be entitled "An Act to adopt and establish a 'Penal Code' and a 'Code of Criminal Procedure' for the State of Texas."

The bill was read third time and laid on the table, subject to call.

Senate Bill No. 34.

The Chair laid before the Senate, on second reading,

S. B. No. 34, A bill to be entitled "An Act creating and incorporating Acuff Independent School District in Lubbock County, Texas, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and ordered engrossed.

Senate Bill No. 32.

The Chair laid before the Senate, on second reading,

S. B. No. 32, A bill to be entitled "An Act creating the Lasara Independent School District in Willacy County, Texas; defining its bounda-

ries; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of five persons; and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

On motion of Senator Parr, the bill was laid on the table subject to call

Senate Bill No. 42.

The Chair laid before the Senate, on second reading,

S. B. No. 42, A bill to be entitled "An Act creating and incorporating Common School District No. 16, of Jefferson County, Texas; defining and determining the boundaries of Waid School District; prescribing the manner of changing and modifying the boundaries of said school district; conferring upon said school district, except as otherwise provided in this Act, all the rights, powers, privileges and duties as are conferred and imposed by the General Laws of this State upon common school districts; providing for a board of district trustees and prescribing the qualifications for members thereof, and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and ordered engrossed.

Senate Bill No. 47.

The Chair laid before the Senate, on second reading,

S. B. No. 47, A bill to be entitled "An Act validating Common School District No. 25 of Gaines County, Texas, and validating an issue of bonds heretofore voted by said district; defining the powers of the county board of school trustees of Gaines County in respect to said district; and declaring an emergency."

The committee report, providing that the bill be not printed, was adopted.

The bill was read second time and ordered engrossed.

Senate Bill No. 48.

The Chair laid before the Senate, on second reading,

S. B. No. 48, A bill to be entitled "An Act validating Common School District No. 11 of Gaines County, and validating an issue of bonds heretofore voted by said district; defining the powers of the county board of school trustees of Gaines County in respect to said district; and declaring an emergency."

The committee report was adopted.

The bill was read second time and ordered engrossed.

Senate Bill No. 49.

The Chair laid before the Senate, on second reading,

S. B. No. 49, A bill to be entitled "An Act validating Common School District No. 26 of Gaines County, Texas, and validating an issue of bonds heretofore voted by said district; defining the powers of the county board of school trustees of Gaines County in respect to said district; and declaring an emergency."

The committee report was adopted.

The bill was read second time and ordered engrossed.

Senate Bill No. 65.

The Chair laid before the Senate, on second reading,

S. B. No. 65, A bill to be entitled "An Act creating and incorporating French Independent School District, in Jefferson County, Texas; and declaring an emergency."

The committee report was adopted.

The bill was read second time and ordered engrossed.

Senate Bill No. 80.

The Chair laid before the Senate, on second reading,

S. B. No. 80, A bill to be entitled "An Act validating the proceedings of the county school trustees of Jim Wells County, Texas, in changing the boundaries of Alice Independent School District in said county and validating all proceedings had with

respect to levying a tax of \$1.00 upon the \$100.00 valuation of all the taxable property in said school district and validating all proceedings had with reference to the issuance of \$75,000.00 of school building bonds and authorizing their issuance, and repealing all laws in conflict, and declaring an emergency."

The committee report was adopted.

The bill was read second time and ordered engrossed.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 80 put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Price.
Bowers.	Real.
Davis.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Wood.
Parr.	Woodward.
Pollard.	

Absent.

Parnell.

Absent—Excused.

Bailey.	Lewis.
Bledsoe.	Witt.
Fairchild.	

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Berkeley.	Price.
Bowers.	Real.
Davis.	Reid.
Floyd.	Russek.
Hardin of Erath.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Murphy.	Wood.
Parr.	Woodward.
Pollard.	

Absent.

Parnell.

8—Senate.

Absent—Excused.

Bailey.	Lewis.
Bledsoe.	Witt.
Fairchild.	

Executive Message.

Executive Department.

Austin, Texas, January 23, 1925.

To the Members of the Texas Senate,
Thirty-ninth Legislature.

Gentlemen: I herewith submit for your advice, consent and confirmation the following appointments:

(1) For Adjutant General—
Mark McGee of Brown County.

(2) For State Fire Marshal—
J. J. Timmins of Travis County.

(3) For State Health Officer—
Dr. H. O. Sappington of Galveston County.

(4) For Tax Commissioner—
Edward Edwards of Red River County.

(5) For State Mine Inspector—
Frank Willis Denison of Bastrop County.

(6) For Prison Commission—
W. R. Dulaney of Harris County.

(7) For Board of Pardon Advisers—W. P. Sebastian of Stephens County and J. N. Aldridge of Upshur County.

(8) For Secretary of State—
Mrs. S. W. Meharg of Hale County.

(9) For Commissioner of Banking—Charles O. Austin of Dallas County.

Respectfully submitted,

MIRIAM A. FERGUSON,

Governor.

The above message was referred to the Committee on Nominations.

Senate Bill No. 84.

The Chair laid before the Senate, on second reading,

S. B. No. 84, A bill to be entitled "An Act to adopt and establish the Revised Civil Statute of the State of Texas."

The committee report, with reference that the bill be not printed in bill form, was adopted.

Action recurred on the committee amendment, providing for the emergency clause.

The Senate refused to adopt the committee amendment, by the following vote; a two-thirds vote being necessary:

Yeas—9.

Davis.	Smith.
Floyd.	Stuart.
Hardin of Erath.	Triplett.
Moore of Cooke.	Woodward.
Reid.	

Nays—17.

Berkeley.	Pollard.
Bowers.	Price.
Hardin of Kaufman	Real.
Holbrook.	Russek.
Miller.	Strong.
Moore of Hunt.	Ward.
Murphy.	Wirtz.
Parnell.	Wood.
Parr.	

Absent.

Bailey.	Lewis.
Bledsoe.	Witt.
Fairchild.	

The bill, having been read second time, was ordered engrossed.

Senate Bill No. 7.

Senator Ward called from the table, S. B. No. 7 (see former action today for caption).

The bill, having already been read third time, was passed finally.

Executive Session—Time Set For.

Here Senator Bowers moved that the Senate go into executive session tomorrow morning at 11 o'clock.

Pending discussion as to the hour for the executive session,

Senator Davis asked unanimous consent that the Senate rule requiring nominations by the Governor to lay over for one day be suspended for this day. There was no objection.

Senator Davis moved that Senate go into executive session today at 1:30 o'clock p. m. and,

Senator Murphy moved that the hour be set for 11:40 a. m. today.

Action recurred on the longest time first, the yeas and nays being demanded, and the motion fixing the hour at 1:30 o'clock p. m. today was adopted by the following vote:

Yeas—15.

Bowers.	Smith.
Davis.	Strong.
Floyd.	Triplett.
Hardin of Kaufman	Ward.
Holbrook.	Wirtz.
Miller.	Wood.
Price.	Woodward.
Reid.	

Nays—10.

Berkeley.	Parr.
Moore of Hunt.	Pollard.
Moore of Cooke.	Real.
Murphy.	Russek.
Parnell.	Stuart.

Absent—Excused.

Bailey.	Hardin of Erath.
Bledsoe.	Lewis.
Fairchild.	Witt.

Recess.

On motion of Senator Davis, the Senate recessed until 1:30 o'clock today.

After Recess.

The Senate was called to order by Lieutenant Governor Barry Miller.

Executive Session.

The Chair, Lieutenant Governor Miller, announced that the hour had arrived for the Senate to resolve into executive session for the purpose of considering nominations by the Governor and directed that the chamber be cleared of all not entitled to remain.

In the Senate.

At the conclusion of the executive session the following confirmations of nominations by the Governor were reported to the Journal Clerk by the Secretary of the Senate:

Adjutant General:

Mark McGee of Brown County.

State Fire Marshal:

J. J. Timmons of Travis County.

State Health Officer:

Dr. H. O. Sappington of Galveston County.

Tax Commissioner:

Edward Edwards of Red River County.

State Mining Inspector:

Frank Willis Denison of Bastrop County.

Prison Commission:

W. R. Dulaney of Harris County.

Board of Prison Advisers:

W. P. Sebastian of Stephens County,
J. N. Aldridge of Upshur County.

Secretary of State:

Mrs. S. W. Meharg of Hale County.

Commissioner of Banking:

Charles O. Austin of Dallas County.

Senate Bill No. 107.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 107 put on its second reading, by the following vote:

Yeas—23.

Berkeley.	Price.
Bowers.	Real.
Davis.	Reid.
Floyd.	Russek.
Hardin of Kaufman	Smith.
Holbrook.	Strong.
Miller.	Stuart.
Moore of Hunt.	Triplett.
Moore of Cooke.	Ward.
Parnell.	Wirtz.
Parr.	Wood.
Pollard.	

Absent.

Fairchild.	Witt.
Hardin of Erath.	Woodward.
Murphy.	

Absent—Excused.

Bailey.	Lewis.
Bledsoe.	

By unanimous consent, and on motion of Senator Parr, the Senate rule requiring committee reports to lie over for one day, was suspended.

By unanimous consent, and on motion of Senator Parr, the Senate rule requiring all general bills to be printed and placed on Senators' desks 24 hours before consideration, was suspended.

The Chair laid before the Senate, on second reading,

S. B. No. 107, A bill to be entitled "An Act to renew and extend for an additional period of two years certain oil and gas permits issued on other than Public School and University Land, under date of February 3, 1920, under which a well has already been drilled to a depth of 3000 feet or more, and providing for payment of rentals and making report of operations to the Commissioner of the General Land Office, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 107 put on its third reading and final passage, by the following vote:

Yeas—22.

Berkeley.	Hardin of Kaufman.
Bowers.	Holbrook.
Davis.	Miller.

Moore of Hunt.	Russek.
Moore of Cooke.	Smith.
Parnell.	Strong.
Parr.	Stuart.
Pollard.	Triplett.
Price.	Ward.
Real.	Wirtz.
Reid.	Wood.

Absent.

Bledsoe.	Murphy.
Fairchild.	Witt.
Floyd.	Woodward.
Hardin of Erath.	

Absent—Excused.

Bailey.	Lewis
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The bill was read third time and passed finally, by the following vote:

Yeas—23.

Berkeley.	Price.
Bowers.	Real.
Davis.	Reid.
Floyd.	Russek.
Hardin of Kaufman	Smith.
Holbrook.	Strong.
Miller.	Stuart.
Moore of Hunt.	Triplett.
Moore of Cooke.	Ward.
Parnell.	Wirtz.
Parr.	Wood.
Pollard.	

Absent.

Bledsoe.	Murphy.
Fairchild.	Witt.
Hardin of Erath.	Woodward.

Absent—Excused.

Bailey.	Lewis.
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Senate Bill No. 67.

Senator Holbrook asked unanimous consent to take up, out of its order, S. B. No. 67. There was no objection.

Senator Holbrook asked unanimous consent to suspend the Senate rule requiring printed bills to lay on the desk of Senators for twenty-four hours. There was no objection.

The Chair laid before the Senate, on second reading,

S. B. No. 107, A bill to be entitled "An Act to amend Chapter 32, Acts of the Regular Session of the Thirty-fifth Legislature, the same being entitled, 'An Act to amend Chapter 8, Acts of the Regular Session of the Twenty-eighth Legislature, the same

being entitled 'An Act to aid the City of Galveston in elevating and raising said city so as to protect it from calamitous overflows by donating and granting to it the State ad valorem taxes and a part of the occupation and poll taxes collected on property and from persons in Galveston County for a period of fifteen years, and to provide a penalty for their misapplication, by extending the provisions of said Act for a period of ten years from September 1, 1918,' by extending the provisions of said Act for a period of ten years from September 1, 1928."

The bill was read second time and ordered engrossed.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 67 put on its third reading and final passage, by the following vote:

Yeas—22.

Berkeley.	Price.
Bowers.	Real.
Davis.	Reid.
Floyd.	Russek.
Holbrook.	Smith.
Miller.	Strong.
Moore of Hunt.	Stuart.
Moore of Cooke.	Triplett.
Parnell.	Ward.
Parr.	Wirtz.
Pollard.	Wood.

Nays—1.

Hardin of Kaufman

Absent.

Bledsoe.	Murphy.
Fairchild.	Witt.
Hardin of Erath.	Woodward.

Absent—Excused.

Bailey.	Lewis.
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The bill was read third time and passed finally, by the following vote:

Yeas—21.

Berkeley.	Price.
Bowers.	Reid.
Davis.	Russek.
Floyd.	Smith.
Holbrook.	Strong.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Parnell.	Witt.
Parr.	Wood.
Pollard.	

Nays—1.

Hardin of Kaufman

Absent.

Fairchild.	Real.
Hardin of Erath.	Woodward.
Murphy.	

Absent—Excused.

Bailey.	Lewis.
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(Pairs Recorded.)

Senator Stuart (present), who would vote nay; with Senator Bledsoe (absent), who would vote yea.

Reason for Vote.

I do not have sufficient information at this time to vote intelligently on a proposition of so much importance and hence am compelled to vote nay.

HARDIN of Kaufman.

Message from the House.

Hall of the House of Representatives,
Austin, Texas, Jan. 23, 1925.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 118, A bill to be entitled "An Act to create the Amherst Independent School District in Lamb County, Texas, providing for the appointment of a board of trustees by the county judge of Lamb County until their successors are elected and qualified, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the General Laws of Texas, and declaring an emergency."

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair referred, after its caption had been read, the following bill:

H. B. No. 118, to Committee on Educational Affairs.

S. B. No. 63—Re-referred.

Senator Floyd moved that S. B. No. 63 be withdrawn from Commit-

tee on Educational Affairs, and be referred to Committee on Finance. The motion was adopted.

Special Committee.

The Chair here announced the appointment of a special committee to arrange for the Senate block picture, which was in accordance with an adopted resolution. Senators Price, Pollard and Miller were appointed.

House Bill No. 118.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and H. B. 118 put on its second reading, by the following vote:

Yeas—24.

Berkeley.	Price.
Bowers.	Real.
Davis.	Reid.
Floyd.	Russek.
Hardin of Kaufman	Smith.
Holbrook.	Strong.
Miller.	Stuart.
Moore of Hunt.	Triplett.
Moore of Cooke.	Ward.
Parnell.	Wirtz.
Parr.	Witt.
Pollard.	Wood.

Absent.

Fairchild.	Murphy.
Hardin of Erath.	Woodward.

Absent—Excused.

Bailey.	Lewis.
Bledsoe.	

On motion of Senator Wood, the Senate rule requiring committee reports to lay over for one day was suspended, for the purpose of considering H. B. No. 118.

The Chair laid before the Senate, on second reading,

H. B. No. 118, A bill to be entitled "An Act to create the Amherst Independent School District for Lamb County.

The committee reports with amendments, and that the bill be not printed, was adopted.

The bill was read second time and passed to a third reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 118 put on its third reading and final passage, by the following vote:

Yeas—25.

Berkeley.	Real.
Bowers.	Reid.
Davis.	Russek.
Floyd.	Smith.
Hardin of Kaufman	Strong.
Holbrook.	Stuart.
Miller.	Triplett.
Moore of Hunt.	Ward.
Moore of Cooke.	Wirtz.
Parnell.	Witt.
Parr.	Wood.
Pollard.	Woodward.
Price.	

Absent.

Fairchild.	Murphy.
Hardin of Erath.	

Absent—Excused.

Bailey.	Lewis.
Bledsoe.	

The bill was read third time and passed finally, by the following vote:

Yeas—24.

Berkeley.	Price.
Bowers.	Real.
Davis.	Reid.
Floyd.	Russek.
Hardin of Kaufman	Smith.
Holbrook.	Strong.
Miller.	Stuart.
Moore of Hunt.	Triplett.
Moore of Cooke.	Ward.
Parnell.	Wirtz.
Parr.	Witt.
Pollard.	Wood.

Absent.

Fairchild.	Murphy.
Hardin of Erath.	Woodward.

Absent—Excused.

Bailey.	Lewis.
Bledsoe.	

Adjournment.

On motion of Senator Wood, the Senate, at 3:20 o'clock p. m., adjourned until 10 o'clock Monday morning.

APPENDIX.

Committee Reports.

Committee Room,
Austin, Texas, January 22, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 78, A bill to be entitled "An Act to amend Title 41, Chapter 8, Revised Statutes of the State of Texas, relating to process and service in civil actions in the Justice Courts, by adding thereto Article 2323a, providing for issuance and mailing of citations to defendants, whether residents of the same or different counties or non-residents of the State, prescribing the requisites thereof, the manner of sending, and the evidence of delivery thereof to such defendants, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

FAIRCHILD, Vice-Chairman.

Committee Room,
Austin, Texas, January 22, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 37, A bill to be entitled "An Act to prevent untrue and damaging statements in reference to banks, banking institutions, trust companies, surety companies, guaranty companies, title insurance companies or other financial institutions; providing the necessary penalties to accomplish such purpose; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,
Austin, Texas, January 22, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 28, A bill to be entitled "An Act to amend Article 2078 of the Revised Civil Statutes of 1911 to provide for Appeals and Writs of Error from orders granting motions for new trials, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice Chairman.

Committee Room,
Austin, Texas, January 22, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 72, A bill to be entitled "An Act to amend Section 1 and Section 5 of Chapter 16 Acts of the Regular Session of the Thirty-fifth Legislature as amended by Chapter 58 Acts of the Regular Session of the Thirty-fifth Legislature constituting the judges of the district courts and county judge of counties of certain population a juvenile board of such county and prescribing the powers and duties of such board, including the appointment by it of probation officers, and providing for the payment of compensation for such officers and allowing the said district judges an additional salary to be paid out of the general fund of such county; providing for the fixing of such additional salary by the commissioners' court of such counties, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice Chairman.

Committee Room,
Austin, Texas, January 22, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 24, A bill to be entitled "An Act amending Articles 1492, 1493 and 1494, Revised Civil Statutes of Texas, providing procedure in the preparation and conduct of budgets of counties in which there is a county auditor, repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice Chairman.

Committee Room,
Austin, Texas, January 22, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 25, A bill to be entitled "An Act to amend Article 7618, Revised Civil Statutes of Texas of 1911,

requiring monthly reports of State taxes, providing requisites thereof, duties of county clerks, manner of payment of money, annual settlement, and allowance of delinquent and insolvent lists, by adding thereto Section 8, to require that in counties having a county auditor, the duties prescribed for the county clerk shall be performed by said auditor, and providing that before allowance of delinquent and insolvent lists the roll shall be audited by the county auditor; and to amend Article 7619 with reference to county taxes, and requiring the collector to make report of county taxes and the clerk to check the same and the collector to pay over funds, and approval thereof by the Commissioners' Court, and the adjustment of said taxes between the county and the collector, by adding Section 7, to require that the duties of the county clerk be performed by the county auditor, in counties having a county auditor, and that the monthly report of the collector, and his annual settlement be checked and approved by the county auditor before allowance by the Commissioners' Court; repealing all laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice Chairman.

Committee Room,

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your committee on Civil Jurisprudence, to whom was referred

S. B. No. 88, A bill to be entitled "An Act to amend Article 3903, Revised Civil Statutes of 1911, as amended by the Acts of the Thirty-seventh Legislature at its Regular Session, Chapter 96 of the General Laws, relating to the appointment and compensation of deputies and assistants of certain district and county officers and providing for appointment and compensation from county funds of special deputy district clerks in counties of two hundred thousand population or more and containing a city of over one hundred and sixty thousand inhabitants and in which counties there are more than one district court, so as to provide additional compensation upon approval of the commis-

sioners' court upon certain conditions and after certain length of service and providing for payment from fees of office only and repealing all laws in conflict herewith."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 82, A bill to be entitled "An Act to amend Sections 1 and 15 of Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State of Texas, as amended by Chapter 34, of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature, approved July 25, 1919, as amended by Chapter 119 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-seventh Legislature, approved March 31, 1921, as amended by Chapter 154 of the General Laws of the State of Texas, passed by the Regular Session of the Thirty-eighth Legislature, approved March 30, 1923, extending the term of said Commission to the last Saturday in June, 1925, and providing for the appointment of judges for said extended term; providing for the extension for the appointment of judges for said extended term; providing for the qualifications thereof and fixing the same, and providing and fixing the salaries of the same and the manner of payment thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

Committee Room,

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil

Jurisprudence, to whom was referred

S. B. No. 39, A bill to be entitled "An Act to amend Chapter 97 of the General Laws of the State of Texas passed by the Thirty-third Legislature, found on page 183 of the General Laws of the State of Texas, passed by the Thirty-third Legislature at its Regular Session amending Article 4632 of Chapter 4 of Title 68 of the Revised Civil Statutes of the State of Texas of 1911, relating to the granting of divorces."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following committee amendment.

Amend S. B. No. 39 by striking out all after "Article 4632" and insert in lieu thereof the following:

"No suit for divorce from the bonds of matrimony shall be maintained in the courts of this State unless the petitioner for such divorce shall at the time of exhibiting his or her petition be an actual bona fide inhabitant of the State for a period of twelve months, and shall have resided in the county where the suit is filed six months next preceding the filing of the suit; provided that such suit shall not be heard or divorce granted before the expiration of thirty days after the same is filed; and provided, further, that where a man marries the woman whom he seduces to escape penalties of the law punishing for seduction, the man shall not be entitled to a divorce for any cause within three years after such marriage, provided that this Act shall not apply to any case where either the husband or wife is insane.

"Provided further that, in addition to the ground for divorce now provided by Statute, where any husband and wife have lived apart without co-habitation for as long as five years, the same shall be sufficient grounds for divorce."

FAIRCHILD, Vice-Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, January 22, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 23, A bill to be entitled "An Act to amend Article 2986 of the Revised Civil Statutes of Texas of 1911, relating to the compensation of tax collectors for administering oaths, furnishing certified lists of qualified voters, and issuing poll tax receipts, and method of payment by the State and county therefor; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

FAIRCHILD, Vice-Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, January 22, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 23, A bill to be entitled "An Act to amend Article 2986 of the Revised Civil Statutes of Texas of 1911, relating to the compensation of the tax collector for administering oaths, furnishing certified lists of qualified voters, and issuing poll tax receipts, and method of payment by the State and county therefor; repealing all laws in conflict herewith; and declaring an emergency."

Beg leave to differ with a majority of the committee, and report the same back to the Senate with the recommendation that it do not pass.

STUART,
DAVIS.

Committee Room,
Austin, Texas, January 23, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 6, A bill to be entitled "An Act making unlawful the use of false statements in writing respecting the financial condition, or means, or ability to pay, of the person making such false statement, or causing same to be made, or any person, firm or corporation in which he is interested, or for whom he is acting, for the purpose of obtaining money, property, or credit, or the making, acceptance, discount, sale or endorsement of a bill of exchange or

promissory note, amounting to more than fifty dollars, whether such statements are made directly or indirectly; making such offense a felony and prescribing punishment therefor.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,
Austin, Texas, January 23, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 116, A bill to be entitled "An Act to amend Paragraph No. 4, of Article 1422, Chapter 18, of the Penal Code of Texas (1911), as amended by the Thirty-third Legislature, Regular Term (1913), page 184, of the Acts of the Thirty-third Legislature, relating to swindling, making certain facts prima facie evidence of fraudulent intent, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WARD, Chairman.

Committee Room,
Austin, Texas, January 23, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 118, A bill to be entitled "An Act to create the Amherst Independent School District in Lamb County, Texas, providing for the appointment of a board of trustees by the county judge of Lamb County until their successors are elected and qualified, vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the bill do pass, that it be not printed, and with the following amendments:

Amend H. B. No. 118 by adding thereto 2a and 2b, as follows:

Section 2a. In settlement of all claims and equities which the Olton Independent School District has or may have against said Amherst Independent School District on account of the building and equipment taken over by Amherst Independent School District, said Amherst Independent School District assumes and is obligated to pay to Olton Independent School District out of funds available for the purpose within two years after this law becomes effective, the sum of two thousand dollars.

Section 2b. The schools of said district now under control of Olton Independent School District, for the current scholastic year, shall remain under the control of said Olton Independent School District and all contracts of teachers with said Olton Independent School District shall remain in full force and effect during the present school year, and all special taxes and fees for tuition for the current year shall be paid to Olton Independent School District, and all salaries and expenses of maintaining said schools for the present scholastic year shall be paid by Olton Independent School District.

Amend the emergency clause by inserting immediately before the words "and declaring an emergency," the following: "adjusting the equities between the newly created district and Olton Independent School District under existing contracts."

HARDIN, Chairman.

Committee Room,
Austin, Texas, January 23, 1925.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 83, A bill to be entitled "An Act regulating the manner in which all cities and towns in Texas of a population of more than one thousand (1000) inhabitants, whether incorporated under the General Laws of Texas or operating under a Special Charter, owning and operating a public utility or any public utilities, shall operate and manage, and appropriate and expend the income from such utility or utilities; providing that the income from the operation of one pub-

lic utility where more than one is operated shall never be applied to pay any part of the operating expense and maintenance, insurance, depreciation nor interest nor sinking fund of any other public utility, so owned and operated; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

STUART, Chairman.

Committee Room,

Austin, Texas, January 23, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 107, A bill to be entitled "An Act to renew and extend for an additional period of two years certain oil and gas permits issued on other than Public School and University land, under date of February 3, 1920, under which a well has already been drilled to a depth of 3000 feet or more, and providing for payment of rentals and making report of operations to the Commissioner of the General Land Office, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

REAL, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 21, A bill to be entitled "An Act adding to Chapter 17, of Harris County road law passed by the Regular Session of the Thirty-third Legislature of the State of Texas, a new section, to be known as Section 5a, authorizing the commissioners' court of Harris County, Texas, for the purpose of properly laying out all roads and superintending their maintenance, to purchase automobiles for the use of commissioners when acting as road supervisors, under appropriate regulations of said court, and providing for reports thereon to the auditor, and limiting the amount to be expended

therefor, and providing for the marking of said cars and a penalty for failure to mark, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

Floyd, Chairman; Parnell, Vice Chairman; Moore of Cooke, Russek, Real.

Senate Chamber,

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 85, A bill to be entitled "An Act providing for the development and improvement of navigation of the inland and coastal waters of this State pursuant to Section 59 of Article 16 of the State Constitution; providing for the preservation and conservation of inland and coastal waters of this State under said constitutional provisions; providing for navigation districts; providing for the raising of the necessary funds, the issuance of bonds, and the levying and collection of necessary taxes for such purpose; providing for things necessary and incident to such purpose and subject, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Senate Chamber,

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 4, A bill to be entitled "An Act declaring fish and other aquatic animal life contained in the fresh water rivers, creeks, and streams, and in lakes or sloughs subject to overflow from rivers or streams within the borders of this State, and in the public rivers, bayous, lagoons, creeks, lakes, bays, and inlets of this State, and all that part of the Gulf of Mexico within the jurisdiction of this State are the property of the people of the State; providing for angler's license, the form, the issuance thereof, and the fees and commissions for same;

declaring persons required to purchase angler's license and penalties for failure to procure or exhibit the same with exceptions; providing for an Angler's License Fund, its use, care and distribution; defining citizens of this State, an alien and a non-resident; defining an angler, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following committee amendments:

Amendment No. 1. Amend S. B. No. 4 by striking out of the caption the following words: "and all that part of the Gulf of Mexico within the jurisdiction of this State."

Amendment No. 2. Amend S. B. No. 4 by striking out of Section 1 the following: "and all that part of the Gulf of Mexico within the jurisdiction of this State."

WIRTZ, Chairman.

Senate Chamber,

Austin, Texas, Jan. 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 3, A bill to be entitled "An Act declaring all wild animals, wild birds, and wild fowl to be the property of the people of this State; to preserve, propagate, distribute, and protect the wild game animals, wild game birds and fowls and wild birds of this State; defining offenses, and prescribing penalties for the violations thereof; providing for the issuance of hunting licenses; providing for the appointment of deputy game, fish and oyster commissioners; prescribing their duties and compensations; making provisions for the creation of a special game fund, and appropriating the same for the purpose of carrying out the provisions of this Act; repealing certain laws, and all laws, general and special, in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass with the following committee amendments:

Amendment No. 1. Amend S. B. No. 3 by striking out of Section 3 the following: "wild collared peccary or javelina" and by striking

out all references to wild collared peccary or javelina wherever same appears in the bill.

Amendment No. 2. Amend S. B. No. 3 by striking out of Section 41 the words, "five years" and insert in lieu thereof the words "ten years."

Amendment No. 3. Amend S. B. No. 3 by adding a new section just after section 46 which section shall be numbered 47 and the other sections re-numbered accordingly, which said new section shall be as follows, to-wit: "Section 47. It shall be unlawful for any person to take, kill, wound, shoot at, hunt for, or possess dead or alive any wild turkey gobbler or turkey hen in the counties of Cameron, Hidalgo, Starr, Willacy, Kennedy, Brooks, Kleberg and Nueces until November 16, 1931, from and after which time it shall be lawful to kill only turkey gobblers as herein provided in this bill."

WIRTZ, Chairman.

Committee Room,

Austin, Texas, January 22, 1925.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

S. B. No. 5, A bill to be entitled "An Act making an appropriation out of the State Treasury of the State's portion of the compensation to be paid by the State and the United States Government to owners of livestock destroyed to eradicate and prevent disease among livestock in this State."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, but with the following provision:

"Provided that no more shall be paid on any item than the actual market value of such article, and in no event shall such amount exceed the amount paid by the Federal Government for such article."

PARR, Chairman.

Committee Room,

Austin, Texas, January 23, 1915.

Hon. Barry Miller, President of the Senate.

Sir: We, a majority of your Committee on Constitutional Amendments, to whom was referred Senate Concurrent Resolution No. 8, A concurrent resolution,

"Declining to ratify the proposed twentieth amendment to the Constitution of the United States."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

HOLBROOK, Chairman.

Senator Murphy gave notice that he would file a minority report not later than Monday, January 26.

Committee Room,

Austin, Texas, January 23, 1925.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 107 carefully examined and compared, and find the same correctly engrossed.

WITT, Vice Chairman.

ELEVENTH DAY.

Senate Chamber,

Austin, Texas,

Monday, January 26, 1925.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Davis.	Reid.
Floyd.	Russek.
Holbrook.	Smith.
Miller.	Strong.
Moore of Hunt.	Stuart.
Moore of Cooke.	Triplett.
Murphy.	Ward.
Parnell.	Wood.
Parr.	

Absent.

Hardin of Kaufman Witt.

Absent—Excused.

Bailey.	Lewis.
Fairchild.	Wirtz.
Hardin of Erath.	Woodward.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Davis.

Excused.

On motion of Senator Holbrook, Senator Wirtz was excused for today on account of illness.

On motion of Senator Moore of Hunt, Senator Hardin of Erath was excused indefinitely on account of business.

On motion of Senator Miller, Senator Woodward was excused indefinitely on account of business.

On motion of Senator Pollard, Senator Fairchild was excused indefinitely on account of important business.

On motion of Senator Stuart, Senator Lewis was excused indefinitely on account of important business.

Bills and Resolutions.

By Senator Parnell:

S. B. No. 129, A bill to be entitled "An Act authorizing the sale of the United States of America of the American Legion Memorial Sanatorium of Texas owned by the State of Texas and situated near the town of Kerrville in Kerr County, Texas, including the lands, buildings, improvements, equipment and appurtenances thereunto belonging; regulating the price at which same shall be sold; providing the proper portion of the funds realized from such sale shall be placed in the State Treasury and making proper disposition of the remainder; authorizing the proper instrument of conveyance to be executed, and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Pollard:

S. B. No. 130, A bill to be entitled "An Act to amend Article 4186, Revised Civil Statutes of the State of Texas of 1911, relating to filing of accounts by guardians and furnishing certified copies thereof in certain cases, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Parnell and others:

S. B. No. 131, A bill to be entitled "An Act to amend Articles 157, 161 and 163 of the Revised Statutes of the State of Texas of 1911, relating to the commitment and confinement of insane persons; the manner thereof; the furnishing of a transcript of the proceedings relating thereto; repealing all laws in conflict herewith; declaring an emergency, and fixing a time for this Act to take effect."

Read first time and referred to Committee on Civil Jurisprudence.